



2009 SENATE BILL 250

1 **AN ACT** *to renumber and amend* 118.51 (5) (a) 1.; *to amend* 118.51 (3) (a) 2.;
2 and *to create* 118.51 (5) (a) 1. c. of the statutes; **relating to:** accepting pupils
3 under the full-time Open Enrollment Program.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.51 (3) (a) 2. of the statutes is amended to read:
5 118.51 **(3)** (a) 2. A nonresident school board may not act on any application
6 received under subd. 1. until after the 3rd Friday following the first Monday in
7 February. If a nonresident school board receives more applications for a particular
8 grade or program than there are spaces available in the grade or program, the
9 nonresident school board shall determine which pupils to accept, including pupils
10 accepted from a waiting list under sub. (5) (d), on a random basis, after giving

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1 preference to pupils and to siblings of pupils who are already attending ~~public school~~
2 ~~in the nonresident school district and, if the nonresident school district is a union~~
3 ~~high school district, to pupils who are attending an underlying elementary school~~
4 ~~district of the nonresident school district under this section.~~ If a nonresident school
5 board determines that space is not otherwise available for open enrollment pupils in
6 the grade or program to which an individual has applied, the school board may
7 nevertheless accept ~~an applicant~~ a pupil or the sibling of a pupil who is already
8 attending ~~school in the nonresident school district or a sibling of the applicant and,~~
9 if the nonresident school district is a union high school district, a pupil who is
10 attending an underlying elementary school district of the nonresident school district
11 under this section.

12 **SECTION 2.** 118.51 (5) (a) 1. of the statutes is renumbered 118.51 (5) (a) 1. (intro.)
13 and amended to read:

14 118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs,
15 classes, or grades within the nonresident school district. In determining the
16 availability of space, the nonresident school board may consider criteria such as class
17 size limits, pupil-teacher ratios, or enrollment projections established by the
18 nonresident school board and may include in its count of occupied spaces pupils all
19 of the following:

20 a. Pupils attending the school district for whom tuition is paid under s. 121.78
21 (1) (a) ~~and pupils.~~

22 b. Pupils and siblings of pupils who have applied under sub. (3) (a) and are
23 already attending ~~public school in the nonresident school district.~~

24 **SECTION 3.** 118.51 (5) (a) 1. c. of the statutes is created to read:

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118.51 **(5)** (a) 1. c. If the nonresident school district is a union high school district, pupils who have applied under sub. (3) (a) and are currently attending an underlying elementary school district of the nonresident school district under this section.

SECTION 4. Effective date.

(1) This act takes effect on July 1, 2010.

(END)